NORTHERN RAILWAY

DRM's Office
New Delhi.

No. : 961-E/COR/U.Cell-2024/Misc.-S.B./P-17

Dated-10/09/2024

All Branch Officers
Delhi Division

**Sub: - "Secret Ballot Elections" (SBE) for verification/recognition of Trade Unions on Indian Railways – Final Modalities, 2024.**

**Ref: - 1. General Manager/P's letter no. 961-E/120/Secret Ballot/Modalities/2024/ E-Union dated 10.09.2024.**
**2. Railway Board's letter no. 2024/SBEC-III/Elections dated 09/09/2024.**

Please find enclosed herewith a copy of General Manager/P's letter dated 10/09/2024 along with Railway Board's instructions dated 09/09/2024 conveying final modalities for "Secret Ballot Elections" (SBE)-2024 for verification/recognition of Trade Unions on Indian Railways for necessary action and compliance at your end. Strict adherence must be made with regard to detailed election schedule at page no. 8 of final modalities.

Wide publicity of the notification for Secret Ballot Elections and Code of Conduct (Page 41 to 46 of final modalities) should be given by placing it on prominent notice boards as well as on the web site.

DA/As above

10/09/24
(Ajay Kumar Pathak)
APO/IR & Settlement
for Divisional Railway Manager/P

Copy to: -

1. PS to DRM/Delhi – for kind information of DRM please.
2. ADRM/Admin, ADRM/Infra, ADRM/OP, CPM/GSU– for kind information.
3. Dy. CPO/IR, Northern Railway, Headquarters Office, Baroda House, New Delhi in reference to their letter no. 961-E/120/Secret Ballot/Modalities/2024/ E-Union dated 10.09.2024

Northern Railway

Headquarter's Office,
Baroda House,
New Delhi
Date: 10.09.2024.

No. 961-E/120/Secret Ballot/Modalities/2024/E-Union

All PHODs- Baroda House, New Delhi.
CAO/C/NR, Kashmere Gate Delhi. & CAO/USBRL,
DRMs/N.Rly - LKO, MB, DLI, UMB & FZR,
CWMs/N.Rly, CB-LKO, AMV-LKO, JUDW, ASR & Signal Workshop, GZB,
CBE, CE/TMC, CE/P&D, CTE & CE/G/NDBH,
Principal, OGS/Jharipani, S&T Training Centre, GZB, ZRTI/CH & STC/CB-LKO,
MD/NRCH, Dy. CE/CSP/Khalispur, Dy. GM/G/HQ/NDLS,
Dy. CMMs- SSB, JUDW, AMV-LKO, Dy. CSTE/MW, DRM Office, New Delhi,
Dy. CCM/Claims/NDLS & BSB, Sr. Manager, Printing & Sty, SSB,
Dy. CPO/HQ-II, Dy. CE/BWS/JUC, LKO and TKJ, Dy. CE/TMC/Line/NDLS,
XEN/Butt Welding Plant-Meerut, WEE/DBSI, XEN/TPP/LKO & XEN/TD/GZB,
XEN/Water Supply/B. House, New Delhi.

**Sub: 'Secret Ballot Elections' (SBE) for Verification/Recognition of Trade Unions on Indian Railways –Final Modalities 2024.**

**Ref: (i) Railway Board's letter no. 2024/SBEC-III/Elections dt. 09.09.2024.**
**(ii) This office letter no. 961-E/120/Secret Ballot/2024/E-Union dt. 30.08.2024**

The modalities for conducting Secret Ballot Elections have been finalized by the Committee and uploaded on web page titled **"Secret Ballot Election Committee - III"** at the official website of Railway Board.

Please ensure to upload of Draft Voters List on 23.09.2024 and final Voter list on 18.10.2024 as per detailed election schedule of page No. 08 of final modalities. The same should be uploaded on their website and sent copy to HQ office on e-mail. ***gmunioncell@gmail.com*** for further uploading on N.Rly/HQ web site for general information of all concerned.

All the letters related to union elections are available on nr.indianrailways.gov.in under the head **Union Election 2024,** Northern Railway Headquarters site of Personnel Department.

Wide publicity of the notification for Secret Ballot Elections and code of conduct should be given by placing it on prominent notice boards as well as on the website.

DA/As above.

10/09/2024

(Dinesh Singh Bisht)
Dy. CPO/IR
For General Manager/P

Copy to:
Secy. to GM for kind information of GM
Secy. to AGM for kind information of AGM
Secy. to PCPO for kind information of PCPO
CPO/T&C, CPO/G, CPO/A & CPO/IR for kind information.

सत्यमेव जयते

भारतसरकार/GOVERNMENT OF INDIA
रेलमंत्रालय/MINISTRY OF RAILWAYS
(रेलवेबोर्ड/RAILWAY BOARD)

No.2024/SBEC-III/Elections

रेलभवन,नईदिल्ली – 110 001, तिथि :
Rail Bhawan, New Delhi – 110 001, dated : 09.09.2024

**The General Managers**
**All Zonal Railways (Open Line)**
**Metro Railway, Kolkata**
**Production Units (CLW& RCF).**

**Sub: 'Secret Ballot Elections'(SBE) for Verification/Recognition of Trade Unions on Indian Railways.**

Ref: (i) Railway Board's letter No. 2023/SBEC-III/Policy/1 dated 28.08.2024 enclosing Board's letter No. ERB-1/2023/23/60 dt. 17.11.2023 and others.
(ii) SBEC's letter No. 2024/SBEC-III/Elections dated 30.08.2024.

****

With regard to above, views and suggestions of all the stakeholders were invited for the purpose of framing Modalities for ensuing Secret Ballot Elections. On the basis of responses received, discussions were held by the SBEC with (a) Registered Trade Unions; (b) Recognised Federations; (c) Senior Officers and field staff from Railway Administrations; and (d) Railway Board authorities concerned. Practices in other Public Sector Undertakings were also studied. Based on the above, SBEC has prepared these 'Final Modalities' for conduct of third 'Secret Ballot Elections' on Indian Railways.

2. Further, in terms of letter of even number dated 30.8.2024, vide which the election schedule was notified, now a detailed Election schedule is enclosed at Page 8 of these Modalities.

3. The participating Zonal Railways and PUs are required to re-circulate the Modalities first by uploading them on respective official websites and by other means as feasible.

4. Thereafter, the Election Notification as per section 16.01 of the Modalities, annexing a copy of the detailed election schedule, should be issued on 10.9.2024, giving wide publicity to the same under intimation to this office.

DA: As above

9/9/24

**(Rajiv Gandhi)**
**EDE/RRB &Convener**
**Secret Ballot Election Committee-III**
**Email- sbec@rb.railnet.gov.in**

भारत सरकार (GOVERNMENT OF INDIA)
रेल मंत्रालय (MINISTRY OF RAILWAYS)
रेलवे बोर्ड (RAILWAY BOARD)

# Final Modalities for holding of

# Secret Ballot Elections-III

# for

# Recognition of Trade Unions on Indian Railways

**2024**

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# Foreword

Railway Board, vide its letter No. ERB-1/2023/23/60 dated 17.11.2023, constituted a 'Secret Ballot Election Committee' (SBEC) for verification/recognition of Trade Unions, with the undersigned as members. A copy of the letter is placed below.

The Committee started its work as per the 'Terms of Reference', by calling for views and comments from all the stakeholders and we are happy to state that about 350 suggestions were received from over 40 registered Trade Unions.

The Committee visited Chittaranjan and Kolkata and held discussions with General Managers of CLW and Metro Railway, Kolkata. It held intensive meeting with PCPO,CLW and his team and all the registered Trade Unions' office bearers, in view of the fact that SBE is to be held for the first time in CLW. It held day-long meeting with PCPOs of Eastern Railway, NF Railway, South Eastern Railway and Metro Railway Kolkata and their teams and Unions, examining all relevant issues in detail. The Committee got rich insights on different aspects of the election process during the discussions. Earlier, the Committee had also interacted with the Supervisors of Crew Lobby at Ghaziabad, Northern Railway to understand the process of voting by running staff, which is one of the most critical factors in the election process. A visit to the Electric Training Centre Ghaziabad helped us to firm up our views on the process of voting by Railway Servants undergoing training at various training institutions. Protocols followed in some of the major public sector organisations, where secret ballot elections are held such as Airport Authority of India, BHEL and BSNL, were also studied to learn from their best practices.

The Committee held formal meetings with top leadership of AIRF, NFIR, DREU, BRMS, SRBKU, TMC & RMU for discussing the views furnished by them, which had strong value for the election process.

One major demand made by many stakeholders was to conduct the elections through EVMs. Since no trial has been made on Indian Railways so far, it was not possible to introduce this mechanism in this election. However, to ensure that we do not always remain behind the curve, it has been decided to make a trial for use of EVM in current Trade Union elections. GM, Metro Railway Kolkata has been very proactive in this regard by agreeing to conduct the pilot project on his

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Railway by making all arrangements. The pilot project will have no bearing on the result of the elections and its outcome will only be used by GM, Metro for making recommendations for use of EVMs in future elections. GM, Metro shall develop the protocols for this trial with few EVM machines running parallel with polling booths.

Lastly, based on all these interactions, we shared the key issues requiring railway administration's viewpoint with concerned Railway Board authorities, who furnished their views. Based on all these inputs, the SBEC has framed these "Final Modalities", which while retaining the spirit and framework of the previous two elections in 2007 and 2013, have tried to capture the changes in the ecosystem over the last decade. It has been designed to empower voters, election officials and stakeholders with the knowledge and tools necessary to navigate the complex landscape of elections. These modalities attempt to cover the entire spectrum of electoral processes and present a comprehensive guide to the electoral process.

The Committee has tried to elaborate on almost all the aspects which it feels would be of benefit to the Railway Administrations, as well as to the contesting Trade Unions.

We hope all the stakeholders will come together with best of intentions and efforts for conclusion of third 'Secret Ballot Elections' on Indian Railways, so that the outcome reflects the true will of its highly acclaimed work force.

| | | |
|---|---|---|
| 9/9/24 | 9.9.24 | 9/9/24 |
| **Alok Kumar**<br>**Member(SBEC)** | **Rajiv Kishore**<br>**Chairman(SBEC)** | **Rajiv Gandhi**<br>**Member**<br>**Secretary &**<br>**Convener**<br>**(SBEC)** |

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भारत सरकार (GOVERNMENT OF INDIA)
रेल मंत्रालय (MINISTRY OF RAILWAYS)
रेलवे बोर्ड(RAILWAY BOARD)

**No. ERB-I/2023/23/60** **New Delhi, dated 17.11.2023**

**ORDER**

Ministry of Railways (Railway Board) have decided to constitute a Committee for conducting Secret Ballot Elections for verifications/recognitions of Trade Unions on Zonal Railways including Metro Railway, CLW/Chittaranjan and RCF/Kapurthala.

1.1 The Committee will consist of the following:-

| | | |
|---|---|---|
| i. | Sh. Rajiv Kishore, Retd. AM/HR, Railway Board | .....Chairman |
| ii. | Sh. Alok Kumar, Retd. PCPO/SWR | .....Member |
| iii. | Sh. Rajiv Gandhi, EDE(RRB), Railway Board | .....Member Secretary & Convener |

2. The Terms of Reference of the Committee would be as under: -

*i. To review the modalities framed by earlier Committee for the elections held in April 2013 and frame modalities to conduct next Secret Ballot to recognize Railway Trade Unions.*
*ii. To discuss with stakeholders and considering suggestions regarding the modalities proposed.*
*iii. To form code of conduct/discipline for the elections along the lines of Code of discipline of Ministry of Labour drawn in a manner suitable for Indian Railways.*
*iv. To function as a nodal body for conducting and supervising the secret ballot.*
*v. To suggest a mechanism for arbitration on disputes arising out of elections.*
*vi. To propose recognition of Federation(s) at Board's level.*

3. The Committee shall submit its report within 30 days from date of its constitution.

4. The Headquarters of the Committee will be at New Delhi.

5. AM(HR) will be the Nodal Officer for conducting Secret Ballot Elections for the verification/recognition of Unions on Railways. E(LR)-III Branch, Railway Board will be the nodal branch for functioning of the Committee. Therefore, submission of report of the Committee for consideration of Railway Board, implementation of its recommendations and all related issues including Parliament Questions, RTI cases and other formalities with regard to the Committee, shall be dealt with by E(LR)-III Branch, Railway Board.

6. The detailed Terms and Conditions for engagement of the Chairman and Member of the Committee will follow.

17/11/2023
**(Vijay Kumar)**
Under Secretary(Estt.)-I
Railway Board
.....2/-

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2019/E(LR)III/SBE-2024/1(TenureExtn.)

1855113/2024/ERB-I

भारत सरकार (GOVERNMENT OF INDIA)
रेल मंत्रालय (MINISTRY OF RAILWAYS)
रेलवे बोर्ड(RAILWAY BOARD)

**No. ERB-I/2023/23/60** **New Delhi, dated 13.08.2024**

**ORDER**

Further to Board's Orders of even number dated 17.11.2023, 18.01.2024 and 01.05.2024 constituting a Committee for conducting Secret Ballot Elections for verifications/recognitions of Trade Unions on Zonal Railways including Metro Railway, CLW/Chittaranjan and RCF/Kapurthala, Ministry of Railways (Railway Board) have decided to extend the tenure of the Committee for a further period up to 31.01.2025 or till the completion of the exercise of Secret Ballot elections/verification/recognition of Railway Trade Unions, whichever is earlier.

13/8/24
**(Vijay Kumar)**
Under Secretary(Estt.)-I
Railway Board

**Copy to**:-

1. EDPG/MR- for kind information of Hon'ble MR.
2. OSDs/PSOs/Sr.PPSs/PPSs/PSs to CRB & CEO, MI, M/T&RS, M/O&BD, MF, Secretary, All DGs/AMs, **AM/HR, PED(IR)**, JS, JS(G), Dir(E), DS(G), DS(A), US(Protocol).
3. The PFA, Northern Railway, New Delhi.
4. The Pay & Accounts Officer, Railway Board.
5. The Secretary General, FROA, IRPOF, AIRPFA.
6. The General Secretary, AIRF & NFIR.
7. The General Secretary, IRCA, New Delhi.
8. Cash-I, II, III, Tele, G, G(Pass), G(Acc.), Parl., ERB-I, ERB-II, ERB-III, Stationery, Signal, Reception, RBCC, Library, SSE(Power), **E(LR)-III Branch**, Railway Board.
9. The Chairman, Member and Member Secretary & Convener of the Committee.

**-: O :-**

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## Detailed Election Schedule

| | | |
|---|---|---|
| 01 | Uploading of "Final Modalities" | 09.09.2024 (Monday) |
| 02 | Issue of Election notification by Zonal Railways, Metro Railway, Kolkata/ RCF/ CLW | 10.09.2024 (Tuesday) |
| 03 | Last date of issue of Uniform 'Draft Voters' List' (DVL) as per Section 4.2 | 23.09.2024 (Monday) |
| 04 | Last date for submission of representation against DVL | 01.10.2024 (Tuesday) |
| 05 | Last date for uploading 'Final Voters' List' | 18.10.2024 (Friday) |
| 06 | Last date for filing of nomination by TU | 25.10.2024 (Friday) |
| 07 | Last date for scrutiny of nominations | 11.11.2024 (Monday) |
| 08 | Last date for display of nominations | 11.11.2024(Monday) (post 18:00 hrs) |
| 09 | Last date for withdrawal of nominations | 14.11.2024 (Thursday) |
| 10 | Last date for display of final list of nominations | 14.11.2024(Thursday) (post 18:00 hrs) |
| 11 | Last date for making request for Postal Ballot paper | 18.11.2024 (Monday) |
| 12 | Last date for display of printed Ballot paper | 23.11.2024(Saturday) |
| 13 | Last date for delivery/dispatch of Postal Ballot by RO | 26.11.2024(Tuesday) |
| 14 | Polling Dates for Open line Zonal Railways | 04.12.24 and 05.12.24 (Wed & Thursday) |
| 15 | Polling date for Metro Railway, Kolkata, CLW & RCF | 4.12.2024 (Wednesday) |
| 16 | Polling date exclusively for Running Staff as per Section 16.02 | 6.12.2024 (Friday) |
| 17 | Last date for grievance submission regarding deviation in Polling process | 6.12.2024(Friday) (Post 18:00 hrs) |
| 18 | Order regarding re-polling if any | 7.12.2024 (Saturday) |
| 19 | Re-Polling (if to be held) on | 10.12.2024 (Tuesday) |
| 20 | Counting of votes & declaration of results | 12.12.2024 (Thursday) |

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## 1.0 Trade Unions: Eligibility Conditions for Trade Unions to contest:

**1.1** Contesting Trade Unions (TU) should be registered under the Trade Union Act, 1926, for at least one year as on 31.12.2023 (i.e. date of registration should be on or prior to 01.01.2023). It must represent the interests exclusively of all Non-Gazetted Railway servants (i.e. not of any category/cadre/section etc. of Railway Servants) of the Railways concerned.

**1.2** TU must submit a copy of "Certificate of Registration" of Trade Union issued by 'Registrar of Trade Unions' as per section 9 of the Trade Union Act, 1926. Copy should be self-certified by the President or General Secretary of the TU concerned.

**1.3** TU must not have been formed on the basis of any caste, tribe, region, linguistic or religious denomination or of any group/section/sub-class within such caste, tribe, region, linguistic or religious denomination.

**1.4** The registered jurisdiction of the TU should geographically conform to the jurisdiction of the General Manager concerned. Respective General Managers shall be the competent authority to recognize the TU over that Railway/PU.

**1.4.1** In view of an interim order dated 13.02.2020 passed by High Court of Judicature at Bombay, Nagpur Bench in Writ Petition No. 29/2020 (*'Swatantra Railway Bahujan Karmachari Union Vs. Government of India, Ministry of Railways')*, those registered Trade Unions with all-India jurisdiction and having the jurisdiction over the concerned Zonal Railways/PUs shall also be eligible to contest the election subject to the decision of above Court Case. Further instructions will be issued on this matter separately.

**1.5** TU must have submitted the "Return" (in conformity with section 28 of the Trade Unions Act, 1926) for the Year 2023 to the Registrar of the TU concerned. TU must submit a copy of duly acknowledged "Return" [i.e. acknowledged by the Registrar of TU], for the year 2023, filed before the Registrar of TU concerned, as per applicable statutory provisions. Copy should be self-certified by the President/General Secretary of the TU concerned.

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**1.6** TU should not have been involved in any action leading to a breach of the Code of Discipline (**Annexure-I**) on or after 30.08.2023.

**1.7** "Rules of the Trade Union" should be in conformity with section 6 of the Trade Union Act, 1926.TU shall submit, to the Returning officer, a copy of the "Rules of the Trade Union" (by whatever nomenclature known such as bye-laws etc). It should be duly certified by the President/General Secretary of TU concerned.

**1.8** TU should not have any dues pending with Railway, as on 31.12.2023, on account of basic charges billed to it for Office Rent (as per Section 1965 of 'Indian Railways Code for the Engineering Department' and related instructions), Electricity (as per Railway Board Letter no. 93/Elec(G)/150/1 dated 13.12.1993 and related instructions), Telephone and Water.

**1.9** A TU, which is not in legal/authorised possession of any facility/property in Zonal Railways/PU, shall submit an affidavit to this effect. The Returning Officer shall verify such claim(s) about non-possession of Railway facility/property in the manner, as deemed fit by her/him. The decision of the Returning Officer shall be final in such matters.

**1.10** TU should submit a refundable Security Deposit of (i)₹ 50,000/- (fifty thousand only) for Open Line Zonal Railways and, (ii) ₹ 40,000/- (forty thousand only) for Metro Railway, RCF & CLW along with nomination papers, by way of either (a) Demand Draft drawn in favour of PFA/FA & CAO of the Zonal Railway/PU concerned or, (b) Money receipt obtained from Cash Office of the Zonal Railway concerned.

**1.11** In case a TU fails to secure at least 5% *[No rounding off permissible]* of the total valid votes polled in SBE-III, full Security Deposit would be forfeited.

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## 2.0 Voters: Eligibility to vote:

**2.1** All Non–Gazetted Railway Servants (Group ‘C’ inclusive of erstwhile Group ‘D’), serving as on 01.09.2024.

**2.2** Substitutes with Temporary Status, serving as on 01.09.2024.

**2.3** Non–Gazetted Railway Servants, who are serving on deputation (to Railway Electrification (RE)/Construction projects/Any other projects where cadre has not been closed/Other Offices), as on 01.09.2024.

**2.4** Non–Gazetted Railway Servants, serving as on 01.09.2024, in Railway Training Centres/Training Institutes.

**2.5** Ministerial/clerical Railway Servants serving, as on 01.09.2024, in the RPF/RPSF establishment but not belonging to RPF/RPSF cadre and who are NOT governed by the Railway Protection Force Act, 1957.

**2.6** ‘Intermediate Apprentice Mechanics’(IAM) and similar Railway Servants receiving stipend.

## 3.0 Ineligible Voters: Staff on Railway Establishments NOT eligible to vote:

**3.1** Substitutes without Temporary Status

**3.2** Casual/Contract labour and those engaged on daily wage basis.

**3.3** Academic staff of Railway Schools/Colleges, who are not permitted to be members of the Trade Union in terms of Railway Board’s letter No E(LWA)65AT/ID/1-6 dated 04.01.1966. (Para 4.9 of MC 18 dated 22.01.2021).

**3.4** A Railway Servant, who is promoted and has assumed charge of a Gazetted Post on or before the date of polling. Her/his name shall stand deleted/deemed to be deleted from the Voters’ list.

**3.5** A Railway Servant, who has superannuated or pre-maturely retired or voluntarily retired or compulsorily retired or dismissed or removed or resigned

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or is no more, on or before the date of polling. Her/his name shall stand deleted/deemed to be deleted from the Voters' list.

**3.6** RPF/RPSF Staff governed under Railway Protection Force Act, 1957.

**3.7** Newly recruited staff i.e. those who (i) are yet to join a post in Railways; or (ii) are getting training as Trainees as on 01.09.2024; and (iii) are in receipt of Stipend.

## 4.0 Voters' list:

**4.1** There shall be uniform format for Voters' List across all Units participating in elections.

**4.2** Format of Voters' list is given below:-

| Polling Booth Address:<br>Booth Number: | | | | | | | |
|---|---|---|---|---|---|---|---|
| Name | Post/ Designation. | Identity card No./ Employee No./ Token No. | PF No./ PRANN o. | HRMS ID | Working Under | Station/ place where posted | Remarks (if any) |
| (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) |
| | | | | | | | |

**4.3** On the date of publication of Final Voters' List (FVL), the eligibility of Railway Servants included in that FVL to vote, is frozen. However, if a voter is

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transferred out of Zone/PU (for whatever reason) and the transfer is effected after the freezing of FVL, he shall not be entitled to vote in that Zone/PU. He will be entitled to vote in the new Zone/PU. For inclusion of his name in the new Zone/PU, necessary measures shall be taken by both the relieving and accepting Returning Officers. In order to keep such cases to a minimum, transfers should not be effected after the publication of FVL except in rare situations.

For transfer within the Zonal Railway/PU, in exceptional cases, after publication of FVL i.e. 18.10.2024, details of the voter should be transferred to the FVL of new office. If it is not possible to organise the transfer of data, then the voter should be allowed to vote in the booth of her/his previous place of posting, where her/his name figures. Identity of the voter shall be established with the help of ID card and transfer order.

**4.4** Photo Identity-Card, issued by the voter's office in Railways, is to be treated as the valid document/proof for identification of voters. Therefore, all units must ensure that all Railway Servants possess Railway Identity-Cards (valid on the date of polling) well before the dates fixed for polling. Only on production of such an I-card, a voter shall be permitted to cast her/his vote.

**4.5** In rare cases, when such Id-Card is not available, the Voter should present one of the following Id-Cards to satisfy her/his credential before Polling Officer (whose decision in this matter shall be final): (a) Physical Aadhar Card; (b) UMID Card; (c) EPIC/Voter Id Card; (d) PAN Card; (e) Passport; (f) Driving License. All such cards should be presented in physical form. The earlier provision of issuing temporary Id Certificates by Personnel Officer is done away with.

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**5.0 Recognition Criteria and related matters:** On the basis of verification of membership through 'Secret Ballot Elections'(SBE), grant of recognition to TU(s) shall be considered as per following criteria:

**5.1** TUs securing 30% or more of the number of 'Total Electorate' of Zonal Railway/PU shall be considered for recognition. 'Total Electorate' means total number of Railway Servants eligible as published in 'Final Voters' list'(read with Section 4.3).

**5.2** In case only one TU secures 30% of 'Total Electorate' as per preceding section 5.1 and some other TU secures 35% or more of the "Total Valid Votes Polled" (i.e. TVVP), then both TUs shall be considered for recognition.

**5.3** In case there are two runners-up securing equal number of TVVP (while also securing 35% or more of TVVP), only one of the two runners-up TUs shall be considered for recognition on the basis of draw of lots between them.

**5.4** In case situations as stipulated in preceding section 5.1 and 5.2 do not arise, two TUs securing 35% of valid votes or more of the TVVP shall be considered for recognition.

**5.5** In case situations as stipulated in preceding section 5.1,5.2 and 5.4 do not arise, the TU securing maximum number of TVVP shall be considered for recognition provided it secures 20% or more of the TVVP. Under this sub-section, only one TU shall be considered for recognition. However, in case two or more TUs secure equal number of valid votes polled, only one TU shall be considered for recognition on the basis of draw of lots between them.

**5.6** If no TU secures at least 20% of TVVP, none of the TUs shall be considered for recognition.

**5.7 Tenure:** Recognition of TU shall normally be valid for five years from the date of grant of recognition by the General Manager. Secret Ballot election for recognition shall normally be held every five years.

**5.8** The recognition, so granted, can be withdrawn/suspended by the General Manager for any justifiable reason, after issuing a show-cause notice to a recognized TU and after passing a speaking order.

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**5.9** The existing recognized TUs and their Federations shall continue to remain as recognized (subject to conditions, if any) till a fresh election process is completed.

**5.10 Facilities to Unions securing minimum 15% of TVVP:** TU(s) securing minimum of 15 % of TVVP shall be provided limited facilities of (i) Notice Boards and; (ii) Gate Meeting (as per laid down prescribed Railway Board instructions).

**6.0 Pre-conditions for contesting elections:**

**6.1** Participation in this election would signify unconditional acceptance by the contesting TUs of these rules and conditions and related instructions issued by Railway Board/Administration, including these modalities. In case of any dispute, provisions of these modalities (and any related clarifications) shall have primacy over Indian Railway Establishment Manual in the matters covered by these modalities. Contesting TUs agree to abide by the following as well:

**6.2 Code of discipline:** All the contesting TUs must furnish in writing that they shall observe the "Code of Discipline", as laid down in Annexure-I. Railway Administrations shall display the "Code of Discipline" prominently on the website.

**6.3** Indian Railway Establishment Manual (IREM): Chapters XXV and XXVI of IREM which deal with the rules for (i) recognition of Unions of Non-Gazetted Railway Servants; and (ii) Conditions precedent to recognition of the Unions; and (iii) Negotiating machinery for dealing with disputes between Railway labour/staff and Railway Administration etc. Therefore, participation in this SBE-III would signify unconditional acceptance by the contesting TUs of provisions of IREM.

**6.4 Code of Conduct** (Annexure-II) : "Code of Conduct" has come into effect from the date of Notification by SBEC of these elections i.e. 30th August, 2024.

**6.5** All contesting TUs shall abide by the provisions of "Code of Conduct" during the course of the election process. Violation of these would make them liable to attract penalties as laid down in **Annexure-II**. Some of the important

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provisions of the Code of Conduct are brought out below:

**6.5.1** No contesting TU shall make any appeal to voters on grounds of religion, politics, caste, community, region, gender and language etc.

**6.5.2** No contesting TU or its office bearers/representatives shall indulge in any activity which may cause tension/rift amongst different categories, cadres, communities, religions etc.

**6.5.3** Criticism of other TUs or its office bearers or their workers based on unverified statements shall not be made.

**6.5.4** Contesting TUs or its agents (acting as Social Media User) must not spread 'Fake News' through "Social media Platforms" about their rivals and Railway Administration. "Fake News" includes the following or combinations thereof: - (i) misquotation or the false and/or inaccurate report of one's statement; (ii) editing audio or video which results in the distortion of facts and/or the context; or (iii) purely fabricated content. "Social Media Platform" means any user-specific web-based technology intended to create virtual connection through the internet such as social networking sites, blog sites, video-sharing sites and the like. "Social Media User" includes any person or group of persons, natural or juridical, organized or unorganized, that utilizes social media platforms to send messages and/or information across through any social media account, verified or under a pseudonym, fictitious or false account/page name for whatever purposes it may serve. In case TUs are found indulging in spreading of 'Fake News', they are liable for suitable action as per Annexure-II.

**6.5.5** Criticism of rival TUs should be confined to their policies, programmes and past records of work. The private life of individual/office bearers and activities not connected with the railway working shall not be raised during canvassing.

**6.5.6** Temples, mosques, churches etc and other places of worship/congregation shall not be used for propaganda/meeting purposes.

**6.5.7** Campaigning by elected public representatives (who do not hold any post in any of the contesting TUs or National Federations or Central Trade Unions to which the contesting Union is affiliated) is not permitted.

**6.5.8** Campaigning within 100 meters of polling booths and holding public meetings during 48 hours prior to the start of the polling is not permitted.

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**6.5.9** Intimidation of any type/threatening or coercing any Railway Servant to vote/or not to vote in a particular manner is not permitted.

**6.5.10** Possession of firearms during canvassing, slogan shouting, inciting communal/political/religious passions shall not be permitted.

**6.5.11** Giving of gifts, cash etc. in any manner is strictly prohibited. In this regard, Principal CPOs should issue an advisory to Railway Co-operative Societies located within the jurisdiction of the Zonal Railway concerned to refrain from granting special loans (other than Compulsory Monthly Thrift Deposit loans) or/and Special Dividends during the period from the date of notification of elections to the last day of polling.

**6.5.12** It may be noted that (i) pasting of posters/ campaigning material on stations/station buildings, rolling stock, official/administrative buildings and/or; (ii) defacing in any manner, including writing on the walls of office and other buildings in colonies, etc. is strictly prohibited. TUs shall not disfigure the walls within Railway premises, Railway Stations and boundary walls, by sticking posters or painting on them. In cases of infraction of this section, Returning Officer may pass appropriate speaking orders for (i) forfeiture of Security deposit; and/or (ii) imposition of fine on TU concerned; and/or (iii) any other penalty as deemed fit in cases of serious violations as per provisions of the Code of Conduct.

**6.5.13** In cases of violations, apart from action(s) under Annexure-II, suitable action will be taken under relevant provisions of 'Prevention of Defacement of Property Act' or similar Acts of the States concerned.

**6.5.14** Railway Administration should provide/designate appropriate space for pasting of posters/campaigning material to the contesting TUs. However, TUs shall remove any poster (pasted on permitted/designated place) after completion of the elections

**6.5.15** No disrespect shall be shown to pictures of present and past national leaders in the posters put up during campaigning.

**6.5.16** Any other activity during campaigning which are (i) extraneous; (ii) repugnant and contrary to the recognized sphere of Trade Union activities; (iii)

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against tranquility and public peace are prohibited.

**7.0 Level playing field to contesting Trade Unions:** Certain facilities have been provided to the existing recognised TUs. In order to provide level playing field to all contesting TUs in these elections, TUs which are in possession of any railway facilities such as office premises (including premises provided free of rent under PREM [erstwhile CEG] scheme), card passes, Telephones etc. are barred from using them for their electoral purposes. Trade Unions would not use these facilities for storing advertising or election-related material. No election meeting shall be held at these premises. An affidavit (as per **Annexure-III**) shall be furnished by the contesting Unions that they shall not use these facilities for above purposes.

**7.1** However, such existing recognized TUs may be permitted to use their allotted CUG Mobiles, provided that they agree to pay charges at the rates notified in Railway Board Circular No 2021/Tele/11(2)/1(3346054) dated 12.04.2023 (as amended from time to time) for their use during election period. Trade Unions should request their Returning Officer/Presiding Officer for continuing use of the specific CUG Mobile numbers, by undertaking to pay the requisite charges from the salary/deposit by the CUG-holder, if not paid otherwise before close of the elections.

**7.2 PNM:** The Railway Administration shall not hold any PNM or formal meetings with the existing recognised TUs after the date of notification of the election.

**7.3 Special Leave:** No Special Leave for campaigning/canvassing etc shall be allowed to any Railway Servant or representative of the contesting TU.

**7.4 Gate Meeting:** All Contesting TU must obtain prior permission of the Railway administration to hold a ‘Gate Meeting’ during lunch hours. However, no ‘Gate meeting’ will be allowed within 48 hours of the date of polling.

**7.5 Violations:** Violations of these instructions shall be treated as corrupt election practices and violation of “Code of Conduct”. The onus shall be on the TUs to prove that such violations have not occured.

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**8 Preparation for election:**

**8.0 Delegation of financial power:** One time Imprest for meeting the election related expenses shall be sanctioned by Railway Board and order will be issued separately**.** Financial Powers for making expenditure on election account shall be delegated to Returning Officer or other polling related authorities through specific orders to be issued by Railway Board.

**8.1 Ballot Boxes:** Adequate number of Ballot Boxes will be provided for each Polling Booth by the Returning Officer/Presiding officer with requisite stationery, sealing wax, Paper seal with serial numbers etc. and these would be sealed before the start of polling and after end of polling every day in the presence of (i) Polling Agents of the TUs and; (ii) the Polling Officer or her/his authorized representative.

**8.2** The Ballot Boxes may be borrowed from Chief Electoral Officer of the state(s) or neighbouring state(s). In case of any shortfall, metal boxes used in RRB/RRC examinations may be used by making suitable modifications in it for insertion of folded ballot papers. If there is still a shortfall, then new boxes may be arranged/purchased/manufactured in the workshop.

**8.3** Separate Ballot Boxes will be used for each day of voting. After each day's voting, the ballot boxes shall be sealed by obtaining signatures of Polling Officer, nominated Polling Agents (by TUs) for this purpose and RPF/RPSF staff. Thereafter, these boxes will be stored in a safe and secured room under proper lock and paper seal, bearing signatures of the Polling Officer (or his representative), nominated Polling Agents for this purpose and RPF/RPSF staff. The place of storage shall be decided by the Presiding Officer concerned.

**8.4** The seal of the room shall be opened only for storing the next day's ballot boxes and sealed again following the same protocol. A Polling Officer or an officer specifically nominated by the Presiding Officer for this purpose shall be the custodian of the ballot boxes. RPF/RPSF Guards shall be deputed for the security of ballot boxes. At the end of final polling, the Polling officers shall make a secure arrangement for safe transportation of the ballot boxes to the counting centres as decided by the Presiding Officer for counting of votes.

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**8.5** Similar storage and security arrangements shall be made by the Presiding officer when sealed ballot boxes are received from the Polling officers after the end of polling/voting process.

**8.6** Place identified for storage of ballot boxes shall be notified by the concerned Presiding Officer well in advance. In all these matters, the decision of the Presiding Officers shall be final.

**9.0 Ballot Paper:** The Returning Officer shall arrange to design the Ballot paper and get them printed as per following instructions:

**9.1** The Ballot Paper should be in the following format:-

| SERIAL NO | NAME OF TRADE UNION | ABBREVIATION IN ENGLISH | ABBREVIATION IN HINDI | ELECTION SYMBOL |
|---|---|---|---|---|
| 1 | Full Name | AAA | | |
| | | | | |
| 2 | Full Name | BBB | | |
| | | | | |

**9.2** A blank row of sufficient height should be inserted between two rows of ballot paper (bearing names of TUs) so as to avoid overlapping stamping by careless voters. It should reduce invalidation (on account of overlapping stamping) of Ballot Papers.

**9.3** No separate space/column for putting stamps is being provided in the Ballot paper as it may lead to invalidation of votes if a voter inadvertently stamps on the symbol or name of the union, instead of stamping on the given allotted space/column. Therefore, a voter may affix stamp on any of the five

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columns (including on 'Serial No' column) against any one TU in the aforementioned format of the ballot paper.

**9.4** Names of all the contesting TUs shall be mentioned in alphabetical (English Alphabets) order.

**10.0 Allotment of Election Symbols:** Contesting TUs would be allotted a distinct 'Symbol' for the election.

**10.1** A TU may choose its own symbol which does not have any resemblance to the symbols allotted to any political party by "Election Commission of India" or by "State Election Commission" in the States served by Zonal Railway concerned.

**10.2** It should not have resemblance to any religious or sectarian motifs/ideas.

**10.3** The symbol should not bear the image of any category of Railway Servant such as Loco Pilot, Ticket checking staff, Trackmaintainer etc. It implies that the symbol should not have any human form but can show the image of railway related objects such as engines, track, station etc.

**10.4** However, it is clarified that a TU may be permitted to use its established logo as symbol. The symbol may carry the name of the TU/Federation.

**10.5** No two contesting TUs shall be allotted similar looking symbols. Whether two symbols are similar looking or not shall be decided by the Returning Officer, whose decision shall be final.

**10.6** The contesting TU shall submit a declaration in that the 'Symbol' chosen by them fulfils aforementioned conditions indicated in preceding sub-sections.

**10.7** In case, more than one TU applies for allotment of same/similar symbol, then first-come-first-serve principle will be applied. The application of first-come-first-serve principle shall come into effect from the time/date of filing nomination.

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**10.8** In case any of the requested symbols had been used by one of the contesting TUs in the previous elections in year 2007/2013, that TU may be given preference in allotment of that particular symbol.

**10.9** The Returning Officer shall be the final authority in all matters regarding allotment of symbols.

**11.0 Printing:** Ballot paper shall be printed in a confidential manner. Services of RRB/RRCs may be used for the purpose of confidential printing. It may be ensured that the Ballot Paper, so printed, conforms to relevant and extant provisions of "The Official Languages Act, 1963".

**11.1** Ballot papers shall be printed with distinct running Serial Number in accordance with the staff strength of the Zonal Railways/PU concerned. The distinct Serial Number shall be available only on the counter-foil for accountal purposes.

**11.2** The total number of the ballot papers, so printed, along with their serial number shall be intimated to the contesting TUs.

**11.3** A replica of the Ballot Paper shall be prominently displayed by the Railway Administration on the Notice Boards and published/uploaded on the official websites well in time.

**12.0 Polling Material:** A list of polling material is annexed as **Annexure-IV**. The list is only for guidance. Actual material used shall be as per local requirement.

**13.0 Railway Servant covered under provisions of the Rights of Persons with Disabilities Act, 2016:** They shall be provided with following facilities to enable them to exercise their right to vote:

**13.1** The voter shall be allowed to take a companion of not less than 18 years of age for recording the vote in case he/she is unable to cast vote due to blindness/physical infirmity.

**13.2** No person shall be permitted as companion of more than one voter at any polling station on the same day.

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**13.3** A companion accompanying the voter shall be required to submit a declaration as per **Annexure-V** of this letter that he will keep the vote recorded by her/him a closely guarded secret and that he has not already acted as companion of any other elector as specified in sub-section 13.2 above.

**13.4** Declaration of the companion of such voters shall be kept in a separate cover for record and deposited at the collection centre with Presiding Officer at the end of polling.

**13.5** None of the polling staff shall act as a companion to the above specified categories of voters.

**13.6** Wherever such Railway Servants are likely to vote, ramp facility should be provided at Polling booth

**14.0 Postal Ballot System (PBS):**

Postal Ballot shall be permitted only for following categories of Railway Servants who are deputed/deployed for (a) Secret Ballot Election (SBE) Duty; (b) Various training programs at different divisional/zonal and other training centres; (c) Train running/escort duties/ticket checking duties who are not likely to return to their HQ within the stipulated polling dates; and (d) Railway Servants working outside their cadre on deputation.

**15.0** Common and category-wise specific protocols for Issue, Casting and Accountal of Postal Ballot is annexed as **Annexure-VI**.

**16.0 Election Process:**

**16.01 Notification:** SBEC has notified the election schedule on 30.08.2024. All participating units have been asked to reiterate the same. As announced in the schedule, participating units shall issue detailed election notification on 10.09.2024 as per **Annexure-VII** of these modalities. Such notification should be given wide publicity by putting up Notices at prominent places and publishing/uploading the same on the official websites.

**16.02 Polling Days & Time:** The voting shall be held on two days, i.e. 4th and 5th December 2024 for all the voters on the open line Zonal Railways. However,

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considering the nature of deployment of Running Staff, which cannot be decided much in advance, the skeletal polling facility for the third day, i.e. 6th December, 2024 shall be kept exclusively for Running Staff only. It may be noted that no other category of voters shall be allowed to vote on 3rd day even if they have missed out on voting on first two designated days. Control Office has to play a pro-active role in ensuring that Running Staff are spared on any of three days of Voting so that they can vote at their designated polling booth.

Polling shall be held from 08 00 Hrs to 18 00 Hrs on each of the Polling days. All the voters who reach the booth by 18 00 Hrs should be allowed to cast their vote.

**Only one day of polling on 4th December 2024 shall be held in Metro Railway Kolkata, CLW and RCF.**

**16.03 Election Machinery:** The structure and machinery of the Authority to conduct elections is as under:

**16.04** "Secret Ballot Elections Committee" (SBEC)- as notified by Railway Board- shall be the nodal body for conducting and supervision of elections.

**16.05** Secret Ballot Election shall be held under the overall supervision of the respective 'Principal Chief Personnel Officers' (PCPOs either in the rank of PHOD or CHOD or whoever is discharging the duties of the post of PCPO) on the Zonal Railways/PUs and is designated by SBEC as the "Returning Officer" (RO) for the respective Zonal Railway/PU. ROs shall be assisted by one "Additional Returning Officer" (ARO) who will be an SAG/SG officer at Zonal/PU level to be appointed by the respective RO.

**16.06** At Zonal Hqrs/PU Hqrs/Divisional/Workshop/Extra-divisional Unit (EDU) level, ROs shall appoint "Presiding Officers" (PO) for each of these units. POs can be either CPO (for Hqrs), ADRM (for Divisions), CWM/Head of Workshop (for Workshops) and an appropriate SAG level Officer(for EDUs). These POs shall appoint "Assistant Presiding Officers" (Sr.DPO/DPO/Dy.CPO/SPO/Any other Officer).

**16.07** In the contingency of ADRM/CWM/Head of EDU concerned not being available, RO shall appoint another suitable senior officer.

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**16.08** Letters of appointment of Presiding Officers shall be as per the format given in **Annexure-VIII.**

**16.09** POs shall appoint 'Polling Teams' comprising Polling Officers (either Gazetted or Senior Sub-ordinate) and Polling Assistants/Polling Helpers of appropriate levels.

**16.10** Letters of appointment of Polling Teams shall be as per the format given in **Annexure-IX.**

**16.11 Central Observer:** SBEC shall appoint a Central Observer (i.e. CO) in the rank of HAG/NFHAG/SAG officer of the Zonal Railway/PU concerned, preferably the SDGM as was done during the last election. Recommendation for CO may be made by the General Manager of the Railway/PU in consultation with the RO. The CO reporting to SBEC shall provide independent inputs to RO for taking suitable actions. CO shall not have any executive function but shall receive complaints and forward them to RO with her/his comments.

**16.12 Filing of Nomination:** The TUs meeting the eligibility criteria listed in section 1 of these modalities and willing to contest the elections may apply in the Nomination Form as per **Annexure-X** (*to be obtained from the Returning Officer of the Zonal Railway/PU concerned*) as per notified schedule.

**16.13** Nomination papers must contain the following documents as well as declarations made by Trade Union's Geneal Secretary:

**16.13.1** Full name, address and telephone/mobile numbers of the TU;

**16.13.2** Names and addresses of the Central Office Bearers with their designations in the Railways. A list to be attached with the nomination form.

**16.13.3** A copy of "Certificate of Registration" of Trade Union issued by 'Registrar of Trade Unions' as per section 9 of the Trade Union Act, 1926. Copy should be self-certified by the President or General Secretary of the TU concerned. [**Ref: Section 1.2].**

**16.13.4** A copy of duly acknowledged "Return" [i.e. acknowledged by the Registrar of TU], for the year 2023, filed before the Registrar of TU concerned,

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as per applicable statutory provisions. Copy should be self-certified by the President/General Secretary of the TU concerned. [**Ref: Section 1.5]**

**16.13.5** A copy of the "Rules of the Trade Union" of TU (by whatever nomenclature known such as byelaws etc) concerned self-certified by the President or General Secretary of TU concerned. [**Ref: Section 1.7]**

**16.13.6** "No-Dues Certificate", from the Railways' departments concerned, for having paid all basic charges/bills on account of Office Rent, Electricity, Telephone and Water, due till 31.12.2023. **[Ref: Section 1.8].**

**16.13.7** A TU shall submit an affidavit in terms of Section 1.9.**[Ref: 1.9].**

**16.13.8** A refundable Security Deposit of (i)₹ 50,000/- (fifty thousand only) for Open Line Zonal Railways and, (ii) ₹ 40,000/- (forty thousand only) for Metro Railway, RCF & CLW along with nomination papers, by way of either (a) Demand Draft drawn in favour of PFA/FA & CAO of the Zonal Railway/PU concerned or, (b) Money receipt obtained from Cash Office of the Zonal Railway concerned. It should be annexed as with the nomination form. **[Ref: Section 1.10]**

**16.13.9** A declaration that it shall observe the "Code of Discipline". **[Ref:Section 6.2]**

**16.13.10** A declaration by the General Secretary of the TU that they have read and understood the Final Modalities applicable to holding of SBE-III and that the same are fully acceptable to the TU.

**16.13.11** A declaration by the General Secretary of the TU that the said TU has never discriminated on the grounds of religion, caste, language, region, gender or any other grounds prohibited under the law of the land. **[Ref:Section 6.5.1]**

**16.13.12** A declaration by the General Secretary of the TU that all information provided by the TU is correct and that in the event of same being found incorrect, the Competent Authority shall be free to take appropriate action.

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**16.13.13** Signatures of seven Railway Servants who are members of TU concerned, with name, designation and posting station supporting the filing of nomination by the TU.

**16.13.14** A declaration that the 'Symbol' chosen by them fulfils the conditions indicated in Section 10.

**16.13.15** A declaration that by its participation in SBE-III, it unconditionally accepts the outcome of Secret Ballot and it would be binding for the purposes of "Recognition" to be accorded by the General Manager.

**16.13.16** Participation in this SBE-III would signify, ipso facto, unconditional acceptance by the contesting TU of these rules and conditions and related instructions issued by Railway Board/Administration including these modalities. **[Ref: Section 6.1].**

**16.14 Scrutiny of Nominations:** Returning Officer shall scrutinize the Nominations received from the TU. A list of TUs found eligible to contest SBE-III shall be drawn and displayed as per notified schedule.

**16.15 Rejection of nominations:** Any TU found ineligible (i.e. whose nominations are rejected) shall be advised of the reasons for the same, by passing a speaking order by the Returning Officer so as to enable them to make representations (if any) within the stipulated time. The decision of the Returning Officer on such representations shall be final.

**16.16 Withdrawal:** A TU declared eligible to contest SBE-III is permitted to withdraw from the elections by making an application duly signed by the General Secretary of the TU concerned, which must reach the Returning Officer on or before the specified date & time as per notified schedule. On such an application, the decision of the Returning Officer shall be final.

**16.17 Polling Booths:** The Presiding Officers shall have absolute discretion in determining the number and location of polling booths, in keeping with provisions of the Modalities, to be set up in her/his jurisdiction under the overall superintendence of the Returning Officer. Booths will be decided by striking an optimum balance between administrative requirements/compulsions and voters' concerns. Following guidelines may be kept in view:

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**16.17.1** Approximately 700-900 Voters per polling Booth.

**16.17.2** As far as possible, Voters do not have to travel for more than 20-25 kms. in order to vote.

**16.17.3** Returning officer and Presiding officer shall hold necessary consultations with appropriate officials and identify number and locations of voting booths.

**16.17.4** **Sensitive Booths:** RO/PO may identify booths which are sensitive in nature, requiring additional attention by way of security deployment and other precautions. List of such sensitive booths shall be apprised to SBEC in prescribed format when asked for.

**16.17.5** Each Polling Booth shall be supervised by a team of two Polling Assistants and two Polling Helpers under the charge of a Polling Officer.

**16.17.6** The Polling Booths shall be set up near the premises where the Railway Servants normally work. There shall be no campaigning/ influencing of any voter within 100 metres of the polling booth on the days of election. Efforts should be made to locate the booths within railway office premises.

**16.17.7** Entry and Exit to the Polling Booths should be separated by putting a barrier.

**16.17.8** Polling Booths should be provided with CCTV cameras with recording facility which will be installed by Signal & Telecom Department of the Railway/PU. The CCTV cameras should be installed in such a manner as to capture all the activities around and inside the booth except for the spot where the actual vote is cast by the voter. However, it is permissible to capture the picture of the voter above the voting enclosure.

**16.17.9** Suitable arrangements should be made at the Polling Booth for female voters.

**16.17.10** A Polling Booth shall be so set up that the entire process, except for the secret part of vote casting by the voter, is fully visible to the polling

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agents from their seats.

**16.17.11** No Voter, Polling agent, Polling Assistant or Polling Helpers etc shall be allowed to use Smartphone/mobile phone/Camera inside the booth. Only Polling Officer shall be authorised to use Smart phone/mobile phone and that too for urgent requirements relating to conduct of poll only.

**16.17.12** All the eligible voters must leave out their Mobile phones/ Smart phones/Camera before entering the polling booth as these devices are not permitted inside the Polling Booth. Notice to this effect shall be displayed prominently outside the booths and also prominently in the final Voters' list.

**16.18 Polling Agents:** Each contesting TU will nominate two Polling Agents (out of whom one only can be present in Polling Booth at a time) for each Polling Booth. The Polling Agents must be regular Railway Servants of the Zonal Railway/PU concerned. These Polling Agents must carry their identification proof to establish their bonafide.

**16.19** These Agents shall be shown empty ballot boxes before commencement of polls and boxes shall be locked and sealed in their presence. The Polling Officer shall obtain the signature of Polling Agents as a token of their having witnessed locking and sealing of ballot boxes. The Polling Agents may remain present throughout the polling. However, their absence/delayed arrival shall not hold up the election/voting processes.

**16.20** To rule out situations of 'Counting Agents' of any TU not able to recognize the signature of Polling Agents on the sealed ballot box, TUs must provide sample signatures of their Polling Agents for all booths to the Presiding officer.

**16.21** Two Polling Agents of each contesting TU, per booth per day of polling, shall be entitled for "Special Casual Leave".

**16.22 Polling Parties and their responsibilities:** The vote casting process shall be supervised by Polling Officers assisted by Polling Assistants/ Polling Helpers. Railway Servants working as Personnel Inspectors/Staff & Welfare Inspectors and other Inspectorial/Ministerial staff etc shall be deployed as Polling Assistants. In these matters, Presiding Officers will have complete

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discretion.

**16.23** It should be ensured that Polling Officers/Polling Assistants are not serving as present office-bearers of any contesting TU.

**16.24** Moreover, any official who had been an office bearer of any recognized TU during the last six years shall not be deployed as Polling Officer/Polling Assistant/Polling Helper. A declaration in **Annexure-XI** to this effect shall be taken from each official appointed as Polling Officer/Polling Assistant/Polling Helper.

**16.25** However, in case an adequate number of officials are not available for polling duty, Presiding Officer, in consultation with Returning Officer, may appoint such an official in relaxation of aforementioned condition.

**16.26** Each ballot paper should be signed in ink, on the top, by the Polling Officer concerned.

**16.27** The Polling Party shall be responsible to set up the Polling Booth in a manner which does not make the voters uncomfortable while awaiting their turn to vote and allows proper secrecy for the actual vote casting process. Adequate seating arrangements for Polling Agents shall be made.

**16.28 Short Leave/Permission for Casting Vote:** Railway Servants should invariably be spared to enable them to cast vote by allowing short leave. The Controlling Supervisor-in-charge shall decide the extent of short leave which should be sufficient to allow a Railway Servant to cast her/his vote and return to duty. However, a judicious approach is required to ensure that crucial and sensitive train operations work does not suffer.

**16.29** The Supervisor In-charge shall decide the duration of short leave to Track Staff, Construction staff and “Track Machine Organization” Staff and also to all essential staff of various categories, keeping in view local conditions and exigencies. Railway Board shall separately issue orders regarding provisions for Special passes to voters who have to undertake train journey for casting of vote.

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**16.30 Process of Casting of Vote:** At the time of polling, the Polling Assistant will first establish the identity of the voter with the help of her/his photo I-card as per of Section 4.4 and 4.5 of these modalities.

**16.31** Thereafter, he shall score out the name of the voter from the master copy of the Voters' list and put a mark with indelible ink/Indelible Ink Marker Pen on the voter's left index finger and advise her/him to procure the "Secret Ballot Paper" from the Polling Officer. He shall also educate/demonstrate to the voter the way to fold the ballot paper after stamping.

**16.32** The Polling Officer shall again satisfy himself regarding the voter's identity by rechecking the Identity Card. He will hand over one Ballot Paper (after affixing her/his signature on the reverse side of the ballot paper) in the serial order of the counterfoil of Ballot Paper (without skipping any ballot paper). The signature of the Railway Servant casting the vote shall also be obtained on the counterfoil of the Ballot Paper.

**16.33** Thereafter, the Railway Servant will cast her/his vote by putting a stamp mark on the ballot paper. Stamping should be done in a separate enclosure kept in polling booth for this purpose. The voter shall fold the ballot paper and, thereafter, put it in the ballot box in the presence of the Polling Officer/Polling Assistant who shall ensure that the Ballot Paper is properly inserted in the box.

**16.34** No separate space/column for putting stamp is being provided in the Ballot paper as it may lead to invalidation of votes if a careless voter inadvertently stamps on the symbol or name of the union, instead of stamping on the given allotted space/column. Therefore, a voter may affix stamp on any of the five columns (including on 'Serial No' column) against any one TU in the ballot paper.

**16.35 Record of Election Proceedings:** At each Polling Booth, a register shall be maintained wherein the entire proceeding followed during the election/voting shall be recorded. Such entries shall be signed by the Polling Officer concerned and by the available Polling Agents of the respective contesting TUs. The format of the register shall be conveyed separately.

**16.36 Repolling:** If a complaint is received from any contesting TU or some credible source regarding substantial electoral deviation at some Polling Booth,

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the Presiding Officer shall hold an instant fact-finding inquiry (FFI). On the basis of the inquiry report of FFI and after holding consultations with the Returning Officer, the Presiding officer may order to conduct Re-polling at the said Polling Booth on the following day i.e. 5th December 2024. However, if the deviation is noticed on the 2nd/3rd day (i.e. 5th/6th December 2024) of the polling then repolling shall be held on the date so notified i.e. 10th December,2024.

**16.37** Intimation of this decision of re-polling shall be conveyed to the controlling authorities of all such units for which booth(s) was set up. The controlling authorities, in turn, should arrange to put up Notice immediately and spare the voters to cast their votes again. Controlling supervisors of all such units, which are covered under the Re-polling, shall make use of electronic and mobile facilities to spread the information of Re-polling schedule among affected voters.

**16.38** For re-polling, the unused Ballot papers, if available, may be used. If these are found to be insufficient, additional ballot papers may be called for from the Returning Officer.

**16.39 Close of Polling:** After the close of the polling, the Polling Officer shall furnish detailed Ballot Paper account in the prescribed proforma (to be conveyed later) indicating total Ballot Papers received, Ballot Papers used, unused Ballot Papers available etc. to the Presiding Officer.

**16.40** The sealed ballot boxes shall then be collected and carried with full security to the place identified by the Presiding Officer who shall take over the custody of these ballot boxes.

**17.0 Storage and Security of Ballot Boxes:** After the polling is held on a day, the Ballot Boxes should be duly sealed by obtaining the signature of Polling Officer, Polling Agents of TUs present and designated Security in-charge. Thereafter, it should be stored in a strong room, which should have been already notified to the contesting unions. At the end of every day of polling, the boxes are required to be kept in the strong room and sealed. The sealing of the strong room should be done after obtaining the signatures of the designated (by PO) functionary, RPF/RPSF Staff and Polling Agents (designated by TUs for this purpose). At the end of polling, these ballot boxes

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should be transported to the counting centre, as identified and notified by the presiding officer under proper security.

**18.0 Transportation and Security of Ballot Boxes:** Suitable measures should be taken to carry these boxes, preferably by road with proper RPF/RPSF guards and in the presence of responsible Railway functionaries. However, if a need is felt to transport the Ballot boxes by service train then the Railway authorities should make proper arrangements for their transportation by the train under the security of RPF/RPSF guards and nominated Railway functionaries. In case transshipment is required to be done during train movement, at no time the Ballot Boxes should be left unattended either on the platforms or in station buildings. The travel plan for the Ballot Boxes should be shared with the Trade Union representatives and if they desire they may accompany the team carrying the Ballot Boxes on their own without interfering with the movement of the Ballot Boxes in any manner.

**19.0 Counting of Votes:** All the Ballot Boxes from the polling Booths under the jurisdiction of a Presiding Officer shall be brought and stored in pre-notified place. The votes have to be counted on scheduled date in a centralised place as identified and notified by the Presiding Officer. The Ballot Boxes should be opened as per prescribed instructions given below. After opening of the Ballot Boxes, number of total ballots in each box shall be tallied with the number of ballots as per the records of the polling officer. Before counting of votes begin, the ballots from all the boxes should be opened and mixed together. No booth-wise counting should be done.

**19.1** The Ballot Boxes shall be opened in the presence of the Presiding Officer and “Authorized Counting Agents” (ACA) of the TUs.

**19.2** PO/RO will decide the number of ACA which should be adequate. Names of the ACA shall be as recommended by contesting TUs.

**19.3** If the ACAs do not present themselves at the appointed time & place during the time of counting of votes, such absence shall not invalidate the election or counting process and counting shall proceed as per schedule.

**19.4** The Presiding/Assistant Presiding Officer shall grant special Casual Leave to ACAs for counting of votes on counting days.

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**19.5** The Presiding Officer shall compile the Election Result (Proforma to be conveyed later) and arrange to deliver the same to Retuning Officer in a sealed cover through responsible Railway functionary.

**19.6 Invalid Votes:** The Ballot Paper/vote will be considered invalid when (i) Stamp is put against more than one Trade Union/Symbol; (ii) Stamp is put on the dividing line (of rows or columns) in such a manner that less than two-third of the stamp impression is made against any one Trade Union/Symbol. Thus, if the stamping is done in such a manner that more than two-third of stamp falls on any one symbol/Trade Union name or its row, it is to be treated as valid; (iii)The Ballot Paper contains any indication (other than stamp) viz. name of the voter, her/his signature or any form of written message etc.; (iv) In case of any dispute in this regard, decision of Presiding Officer shall be final.

**20.0 Election Report:** A statement, duly signed & certified by the Presiding Officer shall be dispatched in a sealed cover to the Returning Officer through Fax/or Special Messenger on day of counting itself. The format of the report shall be conveyed later.

**21.0 Unused Ballot Papers**: Unused Ballot Papers will also be forwarded on the last day of the poll to the Returning Officer through the Presiding Officer for retention (up to 2 months) and record.

**21.1 Declaration of Final Result:** All Sealed Covers (containing Election Reports from Presiding Officer & RO in case of Postal Ballots) will be opened by Returning Officer in the presence of contesting TUs' representatives (Whoever available. This process cannot be delayed due to absence of anybody) to prepare and compile "Final Election Result" (Proforma shall be conveyed later). Thereafter, the result of the election shall be declared accordingly.

**21.2** Dispute/representation, if any, regarding elections/counting of votes must be raised before the Returning Officer well before the declaration of result. It will be examined by him and the decision of the RO shall be final.

**22.0 Authority for issuing clarification on Modalities etc:** Within the overall framework of these Modalities, SBE Committee or the Returning

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Officer will have the authority to issue necessary clarification, administrative instructions in administrative convenience, without changing the underlying spirit and tenets of these Modalities.

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# Annexure – I to Final Modalities, 2024 for SBE-III
# (Section 6.2 of Final Modalities)

## Code of Discipline

All the contesting registered Trade Unions undertake in writing that they will observe the Code of Discipline.

**I. Management and Union(s) agree –**

(a) that no unilateral action should be taken in connection with any industrial matter and that disputes should be settled at appropriate level;

(b) that the existing machinery for settlement of disputes should be utilized with the utmost expedition;

(c) that there should be no strike or lock-out without notice;

(d) that affirming their faith in democratic principles, they bind themselves to settle all future differences, disputes, and grievances by mutual negotiation, conciliation and voluntary arbitration;

(e) that neither party will have recourse to (i) coercion, (ii) intimidation, (iii) victimization or (iv) go-slow;

(f) that they will avoid, (i) litigation, (ii) sit-down and stay in strikes and (iii) lockouts ;

(g) that they will promote constructive co-operation between their representatives at all levels and as between workers themselves and abide by the spirit of agreements mutually entered into ;

(h) that they will establish upon a mutually agreed basis, a grievance procedure which will ensure a speedy and full investigation leading to settlement;

(i) that they will abide by various stages in the grievance procedure and take no arbitrary action which would by-pass this procedure; and

(j) that they will educate the management personnel and workers regarding their obligations to each other.

**II. Managements agree –**

(a) not to support or encourage any unfair labour practice such as:

(i) interference with the right of employees to enroll or continue as Union members,

(ii) discrimination, restraint or coercion against any employee because of recognized activity of Trade Unions and

(iii) victimization of any employee and abuse of authority in any form ;

(b) to take prompt action for (i) settlement of grievances and (ii) implementation of settlements, awards, decisions and orders;

(c) to display in conspicuous places in the Railway offices the provisions of this Code;

(d) to distinguish between actions justifying immediate discharge and those where discharge must be preceded by warning, reprimand, suspension or some other form of disciplinary action and to arrange that all such disciplinary action should be subject to an appeal through normal grievance procedure;

(e) to take appropriate disciplinary action against its officers and members in cases where enquiries reveal that they were responsible for precipitation of action by workers leading to indiscipline.

**III. Trade Union(s) agree –**

(a) not to engage in any form of physical duress ;

(b) not to permit demonstrations which are not peaceful and not to permit Rowdyism in demonstration ;

(c) that their members will not engage or cause other employees to engage in any Union activity during working hours, unless as provided for by law, agreement or practice;

(d) to discourage unfair labour practices such as (i) negligence of duty, (ii) careless operation, (iii) damage to property, (iv) interference with or disturbance to normal work and (v) insubordination ;

(e) to take prompt action to implement awards, agreements, settlements and decisions ;

(f) to display in conspicuous places in the Union Offices, the provisions of this Code; and

(g) to express disapproval and to take appropriate action against office-bearers and members for indulging in action against the spirit of this Code.

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**Annexure – II to Final Modalities, 2024 for SBE-III**
**(Section 6.4 of Final Modalities)**

## PROVISIONS RELATED TO ENFORCEMENT OF "CODE OF CONDUCT/DISCIPLINE"

| S. No. | Offence/ Misconduct | Proposed Penalty | Authority competent to initiate action | Authority competent to impose penalty | Appellate Authority |
|---|---|---|---|---|---|
| | **(A) OFFENCES ATTRACTING IMPOSITION OF MONETARY FINES** | | | | |
| 1. | Convening/holding public meetings in connection with election and display of any election matter through various media sources and cultural performances during period of forty eight (48) hours prior to the hour fixed for commencement of poll and during the duration of polling process. | Fine up to Rs.10,000/- on Trade Unions. | Any officer authorized to oversee free and fair conduct of polling process | Presiding Officer | Returning Officer |
| 2. | Any person illegally hiring or procuring any vehicle for free conveyance of any voter other than self and the polling agent, to or from any polling booth commits an offence. | Fine up to Rs.10,000/- on Trade Unions. | Polling officer or any officer authorized to oversee free and fair conduct of polling process | Presiding Officer | Returning Officer |
| 3. | Whoever prints or publishes any election pamphlets, posters, handbills or placards which do not bear on its face the name and the | Fine up to Rs.10,000/- on Trade Unions. | Sr. DPO/DPO/ Deputy CPO/ SPO authorized to oversee | Presiding Officer | Returning Officer |

| S. No. | Offence/ Misconduct | Proposed Penalty | Authority competent to initiate action | Authority competent to impose penalty | Appellate Authority |
|---|---|---|---|---|---|
| | address of the printer and the publisher commits an offence. | | conduct of free and fair elections | | |
| 4. | Canvassing in or near polling station, soliciting votes and persuading/coercing the voters to vote in a particular manner or not to vote for a particular manner or election on the date of poll is prohibited and its violation constitutes an offence. | Fine up to Rs.5,000/- on Trade Unions. | Polling officer or any officer authorized to oversee free and fair conduct of polling process | Presiding Officer | Returning Officer |
| 5. | Causing damage to Railway Property in course of canvassing by defacing/spoiling fixed and moveable assets and structures | Fine up to Rs.20,000/- levied on Trade Unions. | Polling officer or any officer authorized to oversee free and fair conduct of polling process | Presiding Officer | Returning Officer |
| 6. | Lodging false/incorrect complaint against another Trade Union | Fine up to Rs. 10,000/- on the complainant Union. | Sr. DPO/DPO/ Deputy CPO/ SPO authorized to oversee conduct of free and fair elections | Presiding Officer | Returning Officer |

| S. No. | Offence/ Misconduct | Proposed Penalty | Authority competent to initiate action | Authority competent to impose penalty | Appellate Authority |
|---|---|---|---|---|---|
| | **(B)OFFENCES ATTRACTING PROVISIONS OF Bhartiya Nyay Sanhita (BNS) and RAILWAY SERVANTS(D&A) RULES, 1968** | | | | |
| 1. | All officials performing duty of recording/counting of votes is liable to maintain secrecy of the voting and its violation constitutes an offence. | Liable to attract D&AR Rules 1968 | Polling/Presiding authorized officer overseeing counting of votes | As per D&A Rules | As per D&A Rules |
| 2. | Misconduct in the polling station or disobedience of directions of the polling officer shall result in removal of the voter from polling station and any such voter attempting to re-enter the polling station without the permission of polling officer is liable to be taken up for criminal misconduct. | As per Bhartiya Nyay Sanhita (BNS) | Polling officer or any other officer authorized to oversee free and fair conduct of polling process | As per BNS | As per BNS |
| 3. | No person except on duty RPF/Police officials deputed to conduct elections/ maintain law and order at the polling station shall be permitted to carry arms at the voting booths and its violation shall be treated as an offence. | As per BNS / D&A Rules | Polling officer or any other officer authorized to oversee free and fair conduct of polling process | As per BNS / D&A Rules | As per BNS/ D&A Rules |
| 4. | Any person suspected to have removed ballot paper out of polling station can be searched/ | As per BNS | Polling officer or any other officer | As per BNS | As per BNS |

| S. No. | Offence/ Misconduct | Proposed Penalty | Authority competent to initiate action | Authority competent to impose penalty | Appellate Authority |
|---|---|---|---|---|---|
| | detained by the Polling officer and is liable to be taken up under the criminal proceedings | | authorized to oversee free and fair conduct of polling process | | |
| 5. | Booth capturing viz. seizure of polling station/place fixed for polling and counting of votes, allowing only supporters to vote, preventing/coercing other voters from exercising votes and making polling authorities surrender the ballot papers/ shall constitute an offence | As per BNS | Polling officer or any other officer authorized to oversee free and fair conduct of polling process | As per BNS | As per BNS |
| 6. | Any act of fraudulently defacing/destroying any ballot paper/official mark on any ballot paper or tampering with the ballot box in any other manner by the voter shall constitute an offence. | As per BNS | Polling officer or any other officer authorized to oversee free and fair conduct of polling process | As per BNS | As per BNS |
| 7. | Voting or applying for ballot paper in a fictitious name, re-applying for voting in own name and abetting, procuring or attempting to procure voting in any such way shall constitute an offence of | Liable to attract D&A Rules | Polling/Presiding/officer authorized officer overseeing counting of votes. | As per D&A Rules | As per D&A Rules |

| S. No. | Offence/ Misconduct | Proposed Penalty | Authority competent to initiate action | Authority competent to impose penalty | Appellate Authority |
|---|---|---|---|---|---|
| | impersonation. | | | | |
| 8. | Whoever voluntarily causes simple or grievous hurt or assaults to deter a public servant from discharging his duty | As per BNS/ D&A Rules | Polling officer or any other officer authorized to oversee free and fair conduct of polling process | As per BNS/ D&A Rules | As per BNS/ D&A Rules |
| 09. | Anyone who<br>i) gives a gratification to any person with the object of inducing him or any other person to exercise any electoral right or of rewarding any person for having exercise any such right;<br>or<br>ii) accepts either for himself or for any other person any gratification as a reward for exercising any such right; or for inducing or attempting to induce any other person to exercise any such right, commits the offence of bribery:<br>constitutes an offence. | As per BNS/ D&A Rules | Polling officer or any other officer authorized to oversee free and fair conduct of polling process | As per BNS/ D&A Rules | As per BNS/ D&A Rules |

| S. No. | Offence/ Misconduct | Proposed Penalty | Authority competent to initiate action | Authority competent to impose penalty | Appellate Authority |
|---|---|---|---|---|---|
| | **(C) OFFENCES LEADING TO DISQUALIFICATION** | | | | |
| 1. | Promoting feeling of enmity or hatred on grounds of religion, race, caste, community or language, gender amongst different classes/ categories of Railway Servants. | Individuals found guilty of such misconduct or found abetting such misconduct shall not be extended facilities available to office bearers of unions in the event of her/his union being recognized on the basis of election results. | On days of polling the polling officer & Presiding officer and prior to that Sr. DPO/ DPO/Deputy CPO/SPO of the concerned division/workshop shall be responsible for initiating action | Returning officer through Presiding officer | General Manager |
| 2. | Filing of false affidavit/undertaking/ declaration, or concealing any information in the affidavit filed by the Trade Union. | Disqualification to contest the elections/revocation of recognition granted of Trade Union. | Returning officer | General Manager through Returning officer | General Manager |

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**Annexure – III to Final Modalities, 2024 for SBE-III**
**(Section 7 of Final Modalities)**

*Affidavit to be given on Rs 100 value Non-Judicial Stamp Paper regarding non-use of facilities available to contesting Trade Unions*

**(The matter as below should be printed on the Stamp Paper, as applicable)**

Trade Union agrees not to avail any of the facilities provided by the railway, that is office premises (including premises provided free of rent under PREM [erstwhile CEG] scheme), Card Passes, Telephones etc. for electoral purposes. Trade Union will not use these premises for storing advertising or election-related material. Moreover, no election meeting shall be held on these premises.

OR

Trade Union does not possess any of the premises/facilities.

(Name & Signature of General Secretary)
Trade Union's name:

*Stamp*

# Annexure – IV to Final Modalities, 2024 for SBE-III

## (Section 12 of Final Modalities)

## INDICATIVE LIST OF POLLING MATERIAL USED DURING POLLING PROCESS

| Sl. No. | Heads | Items | Quantity Required |
|---|---|---|---|
| 1. | **Polling Material** | 1. Paper Seal with Serial No. | Required number |
| | | 2. Stitched bundles of Ballot Papers with counterfoil | Required number |
| | | 3.Ballot Boxes (duly numbered) | 2 or 3 (as considered appropriate) |
| | | 4. Sufficient quantity of wrapping wire/tape (for securing ballot Boxes) | As per requirement |
| | | 5. Self-inking pad (Purple) | 2 |
| | | 6. Metal seal for Presiding Officer | 1 |
| | | 7. Rubber stamp with arrow cross mark(for marking Ballot Paper) | 3 |
| | | 8. Receipt for deposit for challenged votes | |
| | | 9.Metal ruler for detaching Ballot Papers from counterfoils | 1 |
| 2. | **Stationery** | 1. Indelible Ink/Ink Pen | 2 phials of 5 cc. Per polling station |
| | | 2. Carbon Papers | |
| | | 3. Form for paper seal account | |
| | | 4. Ordinary pencil | |
| | | 5. Ball Pens | |
| | | 6. Black Paper (white) | |
| | | 7. Pins | |
| | | 8. Gum paste | |
| | | 9. Candle | |
| | | 10. Sutli (thread) | |
| | | 11. Sealing wax | |
| | | 12. Match box | |

| | | | |
|---|---|---|---|
| | | 13. Blade | |
| | | 14. Emergency Light(if necessary) | |
| | | 15. Cloth or Rag for removing oil or any other substance from the fingers of the elector | |
| | | 16. Rubber Band | |
| | | 17. Cello Tape | |
| | | 18. Eraser | |
| **III** | **Envelope Covers and Bags** | 1. Cover for unused ballot paper | |
| | | 2. Cover for counter files of use ballot paper | |
| | | 3. Cover for tendered ballot paper and list of tendered votes | |
| | | 4. Cover for returned and cancelled ballot papers | |
| | | 5. Cover for unused paper seal | |
| | | 6. Cover for ballot paper account. | |
| | | 7. Cover for paper seal account | |
| | | 8. Cover for mark copies of electoral rolls | |
| | | 9. Cover for letter of appointment of polling agents | |
| | | 10. Cover for Presiding Officer's Diary | |
| | | 11. Cover for declarations of companions | |
| | | 12. Cover for election duty certificate | |
| | | 13. Canvass bag or a new cloth for wrapping ballot box/boxes | |
| | | 14. Cover for ballot papers cancelled; voting procedure violated | |
| | | 15. Cover for singed but unused ballot paper | |
| | | 16. Cover for Presiding Officer's brief record | |
| | | 17. Cover for any other paper that the Returning Officer has directed to be kept in sealed packet | |
| | | 18. Cover for declaration by the Presiding Officer before | |

| | | | |
|---|---|---|---|
| | | commencement of the poll, at the time of use of subsequent ballot boxes at the end of the poll | |
| | | 19. Polythene bag / gunny bag to contain polling materials | |
| **IV** | **Lables** | 1. passes for polling agents | |
| | | 2. Labels for polling agents | |
| | | 3. Notice specifying polling area | |
| | | 4. List of contesting candidates | |
| | | 5. Armed bands for Polling Officers | |
| **V** | **Forms** | 1. List of tendered votes(forms) | |
| | | 2. Forms for ballot paper accounts | |
| | | 3. Forms for companions of blind or infirm voters | |
| | | 4. List of blind or infirm voters (forms) | |
| | | 5. Forms for declaration by Presiding Officers before commencement of the poll | |
| **VI** | **Polling Booth Set Set Up** | 1. Rubber stamps (bearing distinguish mark of polling stations) | |
| | | 2. Flexible wire | |
| | | 3. Cup/Empty Tin/Plastic Box for holding indelible ink bottle | |
| | | 4. Appointment letters of polling team | |
| | | 5. Polling Officer's diary(Duly Numbered) | |
| | | 6. Material for voting compartment | |
| | | 7. Waste paper basket | |
| **VII** | **Sign Board (Per Booth)** | 1. Polling Officer | |
| | | 2. Entry | |
| | | 3. Exit | |
| | | 4. Polling Agents | |

The above is an indicative list of materials to be given to Polling Parties. Wherever quantity column is shown blank, administration may decide on the quantity that may be adequate. Presiding officers may make suitable modification to the above list as per requirement.

**Annexure – V to Final Modalities, 2024 for SBE-III**

**(Section 13.3 of Final Modalities)**

**Declaration by Companion of Voters covered under**

**The Rights of Persons with Disabilities Act, 2016**

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I……S/D/W/O..……aged……resident of address ……..… hereby declare that:

(a) I have not acted today as companion of any other voter at any polling station on the…… (date of casting vote).

(b) I will keep the secrecy of the vote recorded by me on behalf of…… (Name /designation/workplace of Railway Servant)

(c) The ID proof ……. ID Number……. (the details of ID proof of companion) is being produced in support of my bonafide identity.

Signature/LTI of Voter Signature of Companion

# Annexure – VI to Final Modalities, 2024 for SBE-III
# (Section 15 of Final Modalities)

## Postal Ballot System(PBS)

## Part-I

1. Common protocol for Issue, Casting and Accountal of Postal Ballot : Following protocols shall apply to all categories of PBS beneficiaries, unless specified otherwise.

2. Voters eligible to avail the facility of PBS should apply for a PBS form given at the end of this Annexure, requesting for postal ballots. On the basis of such request, their Returning Officer (RO) shall provide, through their controlling supervisor, postal ballot papers along with a stamped-envelope (franked through Post Office/normally stamped) which has address of the RO mentioned clearly.

3. The words "PBP" shall be stamped and signed by 'Asst Returning Officer' at the top of the normal ballot Paper without indicating serial number (on the ballot paper) of the counter-foil. The name of voter (as entered in Voters' List) should be noted on counter-foil of PBP. Thereafter, PBP should be detached from the counter-foil.

4. The acronym PBP should be written against the name appearing in Voters' List without indicating the serial number of counter foil of the Ballot Paper issued.

5. Counter-foils of PBP issued should be sealed in a separate packet. Date on which the packet was sealed should be indicated. Brief description of the contents with serial numbers of the counter foils of PBPs dispatched to voters should be indicated in this packet.

6. Returning Officer shall arrange to send to PBP-eligible voters (i) One self-addressed (i.e. addressed to concerned RO) and pre-stamped/franked envelope (i.e. 'Return Envelope') so as the voter can send back to concerned RO the voted/stamped PBP; and; (ii) Postal Ballot Paper. These two items should be put inside a large envelope. Such large envelope shall be addressed to the voter.

7. Aforementioned large envelope should be dispatched to voters through Speed post/Registered Post/by Dasti/any other safe mode to be decided by RO. The voter can also collect it personally.

8. Such 'Postal Ballot Papers' (i.e. PBP) must be delivered/despatched by due date as per Schedule notified. List of such Railway Servants in favour of whom

Postal Ballot is being issued shall be put on Railways' website.

9. The Voter shall cast her/his vote in a confidential manner and seal the voted-Ballot paper in the stamped-envelope. He will then post it to the concerned Returning officer so as to reach her/him latest by closing hour of the last date of polling. He can also deliver it personally to RO/ARO's Officer. Voted postal-ballot paper can also be dropped personally by the Voter in the Ballot Box kept for this purpose in the custody of Returning Officer. They cannot be dropped in any other polling booth

10. Postal Ballot received after closing hour of the last date of polling shall not be entertained and will be treated as 'invalid vote'.

11. The Returning officer shall account for all such postal ballots separately and add them (before finalizing result) with the votes cast at different Polling Booths. Postal Ballot shall be counted in Returning Officer's office in presence of 'Counting Agents' of TUs on the fixed day of counting so notified.

12. The final result shall be declared after counting votes by both the methods together (i.e. normal voting plus the Postal Ballots).

13. Railway Administration/Returning Officer will not be responsible for any postal delay or postal losses.

14. The ROs should ensure that the number of "PBPs received back" should not exceed the number of "PBPs issued" to eligible voters. It should be ensured that non-eligible voters (not eligible for PBPs) do not exercise ballot through PBPs.

## Part -II

### Specific protocols for different categories of beneficiaries

1. **Those booked on SBE Duty:** Such Railway Servants shall be identified well in advance, with reasonable number of reserve candidates.

2. **Railway Servants undergoing Training:** Training institutes should organise only such training programs during the polling days, which are inescapable and cannot be avoided, so that maximum possible number of Railway Servants are available at their workplaces to exercise their voting right. For those Railway Servants, who have to kept under training at the training institutes during polling days, following provisions are made for their voting:

3. Trainees who belong to the same Zonal Railway on which the Training

Centre is situated will be eligible to vote at the nearest polling booth meant for open line Railway Servants. They would not be eligible for "Postal Ballot System". Returning officers, Presiding officers and 'Training Centre In-charges' (TCI) will have to coordinate very closely to include names of such employees in the Voter List for that polling booth. The TCI shall organise to release the trainees in suitable batches under supervision of Instructors to cast their votes smoothly.

4. Trainees who belong to Zones/PU other than the one where the Training Centre is situated shall be eligible for Postal Ballot. TCI shall advise the ROs/POs regarding the details of such Railway Servants undergoing training so that they can be considered for postal ballot and the common protocols shall be followed thereafter.

5. **Railway Servants likely to be away on Train Running/Escort Duties/Train Checking duties during the dates of Polling:**

6. Railway Servants, who are deployed for Train running duties, Train escort duties and Train checking duties and are not expected to return to HQ within the days of polling, shall be allowed the facility of PBS.

7. **Running Staff:** Since it is not feasible to identify deployment schedule for majority of such staff much in advance to plan for their postal ballot, it has been decided to have polling facilities only for running staff in limited polling booths on third day (i.e 6th December, 2024) of the polling. However, if Presiding officers can identify running staff well in advance to meet the timeline prescribed for postal ballot system, they may extend PBS facility to them.

8. Presiding Officer shall frame/issue guidelines to decide well in advance the names of Railway Servants who shall be deputed for Train running/Checking/Escort duties (with suitable number of reserves) on the dates of polling, because of which they are likely to miss the opportunity to cast their vote in polling booths.

9. Controlling officials of aforementioned Railway Servants are directed to book Railway Servants in such a manner, as far as possible, to keep the numbers of staff eligible for PBS to the minimum. Such Railway Servants who are not likely to be present at HQ for physical voting would be required to apply for postal ballot given at the end of this Annexure. Thereafter, the common protocol shall apply to them.

10. **Railway Servants on deputation:** Regular Railway Servants working on deputation in Railway Electrification/Construction/other Projects within the Indian Railway system are eligible for the facility of PBS, subject to following

conditions:

(a) Railway Servants holding lien on Open line but deputed to work in RE/Construction/Other Projects, where cadre has not been closed (but posted within the jurisdiction of the Zonal Railway/PU) shall be permitted to cast their vote at the nearest Polling booth. Personnel Officer of the Project shall advise the RO/Presiding Officers of the Zonal Railway/PU in which that project is situated, regarding the voters working in that establishment. RO/POs shall arrange to include their Railway Servants in the Voters' list for that booth under information to all concerned.

(b) For a deputed Railway Servant working in a project (Located/posted on some other place i.e. not on lien-holding Zonal Railways/PU), the Personnel Officer of the Project shall advise all ROs/Presiding officers to which these Railway Servants respectively belong. The concerned ROs/POs shall establish their bona fides and arrange to include them in the Voters' list. Thereafter, RO shall arrange to despatch Postal Ballot Papers to such Project office for postal ballot voting by the eligible Railway Servants as per the common protocol given in Part-I above. It is clarified that such voters shall have to make request for PB paper from RO on their own as it is not feasible to contact individuals working on deputation and advise them to place request. ROs/POs should include such provisions in their communications.

11. Railway Servants, working on deputation outside railway system for example in PSUs or in other Government Department, may cast their vote on their own in their lien holding office in respective Zone, where their name should be included in the Voters' list. They are not eligible for Postal Ballot System facility.

******

## Part-III

## COMMON FORMAT FOR REQUEST OF POSTAL BALLOT

(Strike out whichever is not applicable)

**A. (For Staff booked for SBE duty)**

I_____(Name),_____(Designation) _____working at _____(Name of the Office) have been deputed as as a member of Polling Team vide letter No. _____dated_____ issued by_____ .

I may please be given Postal Ballot for casting my vote.

OR

**B. (For Railway Servant undergoing training)**

I_____(Name), _____ (Designation) have been deputed to undergo training for _____(name of program) at_____ (Full address of Training Centre)_____vide letter No._____ dated_____with effect from _____ to _____(period of training).

I may please be given Postal Ballot for casting my vote.

OR

**C. (For Railway Servant on running/escort/train checking duty).**

I_____(Name), _____ (Designation) am working at _____ under_____ (Name of Supervisor/Office) and shall be away on train running /escort /checking duty during the period _____to_____.

I may please be given Postal Ballot for casting my vote.

OR

**D. (For Railway Servant on deputation).**

I_____(Name),_____(Designation) whose lien is maintained at the office of _____in Zonal Railway/PU_____is presently working on deputation in the office of _____.

I may please be given Postal Ballot for casting my vote.

(Signature)

Name_____

Designation_____

Forwarded by:

Signature, Name, Designation
and Stamp of the Controlling Supervisor:

Office Address:

*******

**Annexure – VII to Final Modalities, 2024 for SBE-III**

**(Section 16.01 of Final Modalities)**

**GOVERNMENT OF INDIA**

**_____ RAILWAY**

No. Date: 10.09.2024

**NOTIFICATION**

In terms of the **"Final Modalities for holding of Secret Ballot Elections for recognition of Trade Unions in Indian Railways, 2024**", (hereinafter "modalities"), as circulated vide Railway Board's letter No. No.2024/SBEC-IIII/Elections dated 09.09.2024 and as circulated by this office vide Letter No……. dated…….., registered Trade Unions, fulfilling the conditions laid down in the said modalities, are hereby informed about holding of "Secret Ballot Elections" (i.e. SBE-III) as per annexed election schedule.

Eligible Trade Unions, desirous of participating in SBE-III, should file Nomination Form (along with all requisite documents etc) in terms of Section 16.12 of the modalities. The Nomination Form should be obtained from office of undersigned, to be filed by the stipulated deadline given in the annexed Schedule to this Notification. Any Nomination Form received after stipulated deadline shall be summarily rejected.

DA: As above

(Signature of Returning Officer)

Name:

Designation:

Address:

**Annexure – VIII to Final Modalities, 2024 for SBE-III**
**(Section 16.08 of Final Modalities)**

**Letter of Appointment of Presiding Officer**

**ZONAL RAILWAY/PU**:

I, _____ (Returning Officer) appoint the following officials as Presiding Officers for the division/workshop/EDU etc shown below to conduct, supervise and perform all duties in connection with holding of SBE-III.

| S. No. | Name of Division/ Workshop/EDU | Name of Officer | Designation of Officer | Elections to be held on _____ |
|---|---|---|---|---|
| 1. | | | | |
| 2. | | | | |
| 3. | | | | |
| 4. | | | | |
| 5. | | | | |
| 6. | | | | |
| 7. | | | | |
| 8. | | | | |
| 9. | | | | |
| 10. | | | | |
| 11. | | | | |
| 12. | | | | |

(Signature of Returning officer)

Name_____

Designation_____

Date:_____

**Annexure – IX to Final Modalities, 2024 for SBE-III**
**(Section 16.10 of Final Modalities)**

## Letter of Appointment of Polling Teams

**Zonal Railway/PU and Unit:**

**Appointment letters of Polling Teams for SBE-III**

I hereby appoint following officials specified in the Table below as Polling Officers/Assistant/Helpers for the Polling Booth specified below:

**1. Dates _____ Hours_____**
**2. Polling Booth No._____**
**3. Location of Polling Booth _____**

| SN | Category | Name | Designation | Office Address | Phone | Signature |
|---|---|---|---|---|---|---|
| 1. | Polling Officer (1) | | | | | |
| 2. | Polling Officer (2) | | | | | |
| 3. | Polling Assistant | | | | | |
| 4. | Polling Assistant | | | | | |
| 5. | Polling Assistant | | | | | |
| 6. | Polling Assistant | | | | | |
| 7. | Polling Helper | | | | | |
| 8. | Polling Helper | | | | | |

**Date and Time of briefing _____Venue _____**

**Signature and stamp of Presiding Officer**
**Name:**
**Designation:**
**Date:**

**Annexure – X to Final Modalities, 2024 for SBE-III**
**(Section 16.12 of Final Modalities)**

**NOMINATION FORM for SBE-III**

**Zonal Railway/PU:**

1. Name of the Trade Union (TU) : _____

2. Abbreviation used by TU : _____

3. Abbreviation (if any) in the local language: _____

4. Registration No. : _____

5. Date of Registration :(dd)_____(mm)_____ (Year)_____

6. Name & Address of Registrar of Trade Unions with whom registered : _____
_____

7. Full Address of the Trade Union :
: _____
_____
Tel.No._____

8. Name of the Federation (if affiliated to) _____

9. I hereby declare that I have read and understood the Final Modalities,2024 for SBE-III. I agree to abide by the 'Code of Discipline and 'Code of Conduct' given therein. Furthermore, I declare that I fulfil the conditions enumerated in Sections 6.3, 10.6, 16.13.11, 16.13.12,16.13.15 and 16.13.16 and also agree to abide by them.

10. Checklist regarding stipulated enclosures being submitted with Nomination papers as per relevant sections of Final Modalities:

| | **ENCLOSURES** | **Tick as applicable** |
|---|---|---|
| 1. | "Certificate of Registration" as per Section 1.2. | YES/ NO |
| 2. | "Return" as per Section 1.5. | YES/ NO |
| 3. | "Rules of the Trade Union" as per Section 1.7. | YES/ NO |
| 4. | "No-Dues Certificate" as per Section 1.8. | YES/ NO |
| 5. | Affidavit as per Section 1.9 | YES/NO |
| 6. | Security Deposit as per Section 1.10. | YES/NO |
| 7. | List of Names & Address of Central Office bearers with their designations in Railways as per Section 16.13.2 | YES/NO |
| 8. | Enclosure bearing signatures of at least SEVEN Railways Servants as per Section 16.13.13. | YES/NO |

(Name & Signature of General Secretary)
Trade Union's name:
*Stamp*

*Note: Both pages must be signed by General Secretary of Trade Union*

**Annexure – XI to Final Modalities, 2024 for SBE-III**
**(Section 16.24 of Final Modalities)**

**Declaration by Polling officials**

01. I have been nominated as Polling Officer/Polling Assistant/Polling Helper *(strike out whichever not applicable*) vide Letter No_____ Dated_____ for SBE-III.

02. I declare that I had not been an office bearer of any recognized Trade Union during the last six years.

(Signature)
Name,
Designation,
Office